



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C7
Serial No: 10/006,130 Group Art Unit: 1647
Filed: December 6, 2001 Examiner: Rachel B. Kapust
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF AUDREY GODDARD, Ph.D. UNDER 37 CFR 1.131

I, Audrey Goddard, Ph.D. do hereby declare and say as follows:

1. I am Senior Clinical Scientist at the Diagnostics, Development Sciences Department of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to August 14, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the sequencing of novel polypeptides, including the PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of

the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
10. The DNA-64883 sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 129 disclosed in the above-identified application.
11. The beginning of the cDNA sequence corresponding to SEQ ID NO: 129 in the above-identified application is shown on page 1 of the GSeqEdit database report and the location of the first nucleotide is marked with "insert starts here" and an arrow. The location of the last nucleotide corresponding to SEQ ID NO: 129 is shown on page 11 and is marked with an arrow.
12. The amino acid sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 130 disclosed in the above-identified application.
13. The first 26 amino acid residues of the PRO1244 polypeptide (SEQ ID NO:130) encoded by the cDNA (DNA-64883) are also shown on page 1 of the GSeqEdit report and the remaining 309 residues appear on pages 2-6 of the report.
14. Exhibit A clearly shows that both the full-length DNA-64883 sequence and the full-length PRO1244 polypeptide sequence disclosed in the above-identified application were obtained prior to August 14, 1998.
15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.


Audrey Goddard

6/17/04
Date

SV 2037583 v1
6/15/04 3:02 PM (39780.2830)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C7
Serial No: 10/006,130 Group Art Unit: 1647
Filed: December 6, 2001 Examiner: Rachel B. Kapust
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF WILLIAM WOOD, Ph.D. UNDER 37 CFR 1.131

I, William Wood, Ph.D. do hereby declare and say as follows:

1. I am Director and Staff Scientist at the Department of Bioinformatics, of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to August 14, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the cloning of cDNAs which encoded novel polypeptides, including the cDNA that encoded PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full

length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
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14. Exhibit A clearly shows that both the full-length DNA-64883 sequence and the full-length PRO1244 polypeptide sequence disclosed in the above-identified application were obtained prior to August 14, 1998.
15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

William Wood
William Wood

6/14/04
Date

SV 2037583 v1
6/9/04 1:21 PM (39780.2830)

Exhibit A
to Declarations of Audrey Goddard and William Wood under 37 CFR 1.131
GSeqEdit Database Report

[illegible]

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pspGI
mvaI
ecorII[dcm-]
dsaV[dcm-]
bstNI
bssKI[dcm-]
apyI[dcm+]
sau3AI
mboI/ndeII[dam-]
dpnII[dam-]
dpnI[dam+]
alwI[dam-]
bstYI/xhoII
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apoI bslI[dcm-]
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93 A D E E F Q I L A N S W R Y S S A F T N R I F F A M V D F D E G S D

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ecorII[dcm-]
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93 A D E E F Q I L A N S W R Y S S A F T N R I F F A M V D F D E G S D

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apoI           ecoNI
sfaNI         nlaIII   aluI
hpy188I       bslI
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127 V F Q M L N M N S A P T F I N F P A K G K P K R G D T Y E L Q V R

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160 G F S A E Q I A R W I A D R T D V N I R V I R P P N Y A G P L M L

aluI          aluI
sfuI          tseI
bstBI         fnu4HI/bsoFI
bsiCI         tsp509I   tru9I   mseI   bsrI   mwoI hpyCH4V
bael          mboII mboII apoI
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193 G L L L A V I G G L V Y L R R S N M E F L F N K T G W A F A A L C F

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 tru9I ppuMI
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 327 G Y P Y S F L M S O

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hpy188III
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apoI
dclI[M.aluI-]
fokI
mboII
aluI
mslI
bstF5I
tail
hgiAI/aspHI
bsp1286
hpy188I
bsiHKAI
rmaI
dclI
mboII
maeII/hpyCH4IV
eco57I
aflIII
maeI
bspC
mboII
bmyI
btrI
bfaI
mnlI
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bstNI
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mscI/balI[dcM-]
eaeI[dcM-]
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mvaI bssKI[dcM-]
ecoRII[dcM-] tsp45I
dsaV[dcM-] . maeIII
bstNI hinPI
bssKI[dcM-] tspRI
pleI bslI[dcM-] hhaI/cfoI
mlyI bsaJI apyI[dcM+]
hinFI apyI[dcM+] btsI
dclI bspCNI
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TTCTCTTTT ATCCGAGTCA ATCTTTTCTT GAGGACCGG TCCGGCTCAC TGAATGCGGA CATTAGAGTC GTGAACCCCT CCGTTCCGT CCGTCTAGTG
dclI bspCNI
styI cac8I
haeIII/palI
mnlI bsaJI
dclI bspCNI
mboI/nd
dpmII[d
dpmI[da
bssS
hpy18
sau3AI

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